

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

AIMEE ONEIL,

Plaintiff,

vs.

NEW YORK STATE,

Defendant.

Case No.: 2:20-cv-01204-GMN-EJY

**ORDER**

Pending before the Court is the Report and Recommendation (“R&R”) of United States Magistrate Judge Elayna Youchah, (ECF No. 3), which recommends that the case be dismissed.

A party may file specific written objections to the findings and recommendations of a United States Magistrate Judge made pursuant to Local Rule IB 1-4. 28 U.S.C. § 636(b)(1)(B); D. Nev. R. IB 3-2. Upon the filing of such objections, the Court must make a de novo determination of those portions to which objections are made. *Id.* The Court may accept, reject, or modify, in whole or in part, the findings or recommendations made by the Magistrate Judge. 28 U.S.C. § 636(b)(1); D. Nev. IB 3-2(b). Where a party fails to object, however, the Court is not required to conduct “any review at all . . . of any issue that is not the subject of an objection.” *Thomas v. Arn*, 474 U.S. 140, 149 (1985). Indeed, the Ninth Circuit has recognized that a district court is not required to review a magistrate judge’s report and recommendation where no objections have been filed. *See, e.g., United States v. Reyna-Tapia*, 328 F.3d 1114, 1122 (9th Cir. 2003).

Here, no objections were filed, and the deadline to do so, July 21, 2020, has passed. (*See*

1 Min. Order, ECF No. 3).<sup>1</sup>

2 Accordingly,

3 **IT IS HEREBY ORDERED** that the Report and Recommendation, (ECF No. 3), is  
4 **ACCEPTED AND ADOPTED in full.**


5 **IT IS FURTHER ORDERED** that Plaintiff's Complaint against the State of New York  
6 for money damages is **DISMISSED with prejudice.**

7 **IT IS FURTHER ORDERED** that Plaintiff's Complaint against the State of New York  
8 for injunctive relief is **DISMISSED without prejudice.**

9 **IT IS FURTHER ORDERED** that Plaintiff's Motions for Summary Judgment, (ECF  
10 Nos. 5, 7), are **DENIED as moot.**

11 The Clerk of Court shall close the case and enter judgment accordingly.

12 **DATED** this 18 day of December, 2020.

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17 Gloria M. Navarro, District Judge  
18 United States District Court  
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22 <sup>1</sup> The Court notes that Plaintiff filed Motions for Summary Judgment, (ECF Nos. 5, 7), but not an objection to  
23 the Report and Recommendation. Even if the Court construes the Motions for Summary Judgment as objections,  
24 they do not object to the reasoning provided in the Report and Recommendation as required. *See* LR IB 3-2  
25 (requiring "specific written objections with supporting points and authorities" to a magistrate judge's findings  
and recommendations). Moreover, Plaintiff was ordered to file an Amended Complaint by July 28, 2020,  
regarding her claim for injunctive relief and demonstrating "how the issues complained of resulted in a  
deprivation of Plaintiff's federal constitutional or statutory rights." (Report and Recommendation 3:18–19, ECF  
No. 3). Plaintiff failed to file an Amended Complaint, further subjecting her claim for injunctive relief to  
dismissal for failure to state a claim. *See Ferdik v. Bonzelet*, 963 F.2d 1258, 1260-62 (9th Cir. 1992) (district  
courts may dismiss actions for failure to comply with an order of the court).